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EXAMINER

SAIN, GAUTAM

ART UNIT

PAPER NUMBER

2176

DATE MAILED: 07/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/775,626

Applicant(s)

KATAYAMA ET AL.

Examiner

Gautam Sain

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 May 2006.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-53 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-53 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

- 1) This is a Final rejection in response to Amendments/Remarks filed on 5/9/2006
- 2) Claims 1-53 are pending.

Claim Rejections - 35 USC § 103

- 3) The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3-1) Claims 1- 28, 30, 32, 34 and 36-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Palmer (US 6078403, filed Oct 1996), in view of Laverty et al (US 6429947, filed Jan 10, 2000).

Claim 1, Palmer teaches *A method of creating data for printing when performing page editing operation on a computer, the method comprising the steps of:*

(a) determining if there is any part of the page, for which corresponding parts data has not been received by the time of the page editing operation, and if so, creating dummy parts data for the unreceived parts data. For example, Palmer discloses a method for specifying format parameters of a variable data area within a presentation document where a user selects a dummy data region within base document that user desires to define as a variable data area (col 5, lines 20-25). Palmer teaches (b) creating dummy page data by inserting the dummy parts data for the unreceived parts data in a position on the page allocated for the unreceived parts data. For example, Palmer discloses

where a user enters dummy data at locations where user desires to display variable data (col5, lines 7-20).

Palmer teaches *replacing the dummy parts data when the unreceived parts data is received, with the received parts data, for creating page data for printing*. For example, Palmer discloses where the variable data that the user desires will be inserted data, into respective dummy data region (col5, lines 13-20)(ie., data to be printed)(col5, line 60)(ie., replacing dummy data)(col 6, line 11).

Palmer teaches the amended limitations wherein *the dummy parts data comprises an embedded image for editing which of a same image size as a corresponding unreceived part*. For example, Palmer discloses a base document that includes dummy data regions and within each region, the user has entered dummy data identifying the variable data that the user desires to insert into each respective dummy data region, including graphical objects (col 5, lines 13-20; col 1, line 34). The examiner interprets the dummy data as being the same size as the unreceived data because the dummy data is a placeholder for the future actual data and in order to be a placeholder, the dummy data must encompass the entire scope of the unreceived data.

Palmer does not expressly teach the previous amendments but Lavery does teach the previously amended portions of the claim. For example, Lavery discloses, in an automated, hosted prepress application, providing an automated way for the operator to save settings for a prepress job (col 6, lines 50-53), embedding a graphical object into the file for preview operations, later, for print operations, the preview graphic is removed and a link to a replacement high resolution graphic is supplied)(col 19, lines 54-58).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Palmer to include embedding a place holder graphical object for preview and later replacing that with a high resolution graphic as taught by Lavery, providing the benefit a standard format or automated way for the operator to save particular setting for a job to be run under a certain prepress application and providing certainty, consistency, and standardization (Lavery, col 6, lines 50-55).

Claims 2 and 12, Palmer teaches *The method of Claim 1, wherein creating dummy parts data in the step of determining includes providing first information with the dummy parts data, and the step of replacing the dummy parts data includes referring to the first information.* Palmer disclose a user first places dummy data in the dummy region; later the dummy variable data is replaced with PDL prolog (col 5, lines 7-20; col 6, lines 10-12).

Claims 3 and 13, Palmer teaches *The method of Claim 2, wherein the first information includes data indicating a folder and a file in which the page data for printing is expected to be stored.* Palmer discloses a file with filename that contains the variable data within a specified directory system. Upon entering the data, this is where the file will be stored (col 6, lines 35-41).

Claims 4 and 14, Palmer teaches *The method of Claim 2, wherein the parts data when received, also includes the first information.* For example, Palmer discloses PDL prolog data that replaces the variable dummy data which was initially entered by user (col 6, lines 10-15).

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Claims 6 and 16, Palmer teaches *The method of Claim 5, wherein the step of creating dummy page data, includes providing second information with the dummy page data, and the step of creating plate face data includes referring to the second information.*

For example, Palmer discloses a filename of variable data file where a user selects a record, with field identification that contains the variable data objects (col 6, lines 30-40)

Claims 8 and 18, Palmer teaches The method of Claim 6, wherein the page data for printing, also includes *the second information*. Palmer discloses the postprocessor initiates to print document from base document and document definition file (col 7, lines 10-15).

Claims 10 and 20, Palmer teaches *The method of Claim 9, further comprising the step of terminating processing if the instruction has not been inputted.* For example, Palmer discloses a process terminates 76 when no more variable data inputted (col 6, line 61 – col 7, line 15; fig 3).

Claim 11, Palmer teaches A system for creating printing data during page editing and layout, the

system comprising a data processing arrangement having program logic, the program logic including:

(a) a first logic portion, which creates dummy parts data for unreceived parts data of a Page. For example, Palmer discloses a method for specifying format parameters of a variable data area within a presentations document where a user selects a dummy data region within base document that user desires to define as a variable data area (col 5, lines 20-25).

Palmer teaches *(b) a second logic portion, which creates dummy page data by inserting the dummy parts data for the unreceived parts data in a position on the page allocated for the unreceived parts data*. Palmer discloses where user enters dummy data at locations where user desires to display variable data)(col5, lines 7-20).

Palmer teaches *(c) a third logic portion, which replaces the dummy parts data when the unreceived parts data is received, with the received parts data, for creating page data for printing*. Palmer discloses where the variable data that the user desires will be inserted data, into respective dummy data region (col5, lines 13-20)(ie., data to be printed)(col5, line 60)(ie., replacing dummy data)(col 6, line 11).

Palmer teaches the amended limitations wherein *the dummy parts data comprises an embedded image for editing which of a same image size as a corresponding unreceived part*. For example, Palmer discloses a base document that includes dummy data regions and within each region, the user has entered dummy data identifying the variable data that the user desires to insert into each respective dummy data region, including graphical objects (col 5, lines 13-20; col 1, line 34). The examiner interprets the dummy data as being the same size as the unreceived data because the dummy data is a placeholder for the future actual data and in order to be a placeholder, the dummy data must encompass the entire scope of the unreceived data .

Palmer does not expressly teach the amendments but Lavery does teach the amended claims with the amendment. For example, Lavery discloses in an automated, hosted prepress application, providing an automated way for the operator to save settings for a prepress job (col 6, lines 50-53), embedding a graphical object into the file for preview

operations, later, for print operations, the preview graphic is removed and a link to a replacement high resolution graphic is supplied (col 19, lines 54-58).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Palmer to include embedding a place holder graphical object for preview and later replacing that with a high resolution graphic as taught by Lavery, providing the benefit a standard format or automated way for the operator to save particular setting for a job to be run under a certain prepress application and providing certainty, consistency, and standardization (Lavery, col 6, lines 50-55).

Claim 19, Palmer teaches *The system of Claim 11, wherein an instruction initiates a determination in the program logic as to whether to create dummy parts data. Palmer discloses upon determination that additional variable data areas remain to be defined, if not, then process terminates* (col 6, lines 61-67; fig 3, item 70) .

Claim 21, Palmer teaches *A system for creating printing data during page editing and layout, the system comprising a data processing arrangement having program logic, the program logic including: (a) a logic portion, which creates dummy parts data having link information for unreceived parts data, with the link information linking the dummy parts data with a storage location in the data processing arrangement, and inserts the dummy parts data in a position on the page allocated for the unreceived parts data. For example, Palmer discloses a method for specifying format parameters of a variable data area within a presentation document where the user selects a dummy data region within base document that user desires to define as a variable data area* (col 5, lines 20-25)

where a user enters dummy data at locations where user desires to display variable data (col5, lines 7-20); and

Palmer teaches *(b) another logic portion, which operates in background monitoring the storage location in the data processing arrangement, and when parts data is stored at the storage location, said another logic portion replaces the dummy parts data with the parts data in accordance with the link information.* Palmer discloses variable data that the user desires will be inserted data, into respective dummy data region (col5, lines 13-20)(ie., data to be printed)(col5, line 60)(ie., replacing dummy data)(col 6, line 11).

Palmer teaches the amended limitations wherein *the dummy parts data comprises an embedded image for editing which of a same image size as a corresponding unreceived part.* For example, Palmer discloses a base document that includes dummy data regions and within each region, the user has entered dummy data identifying the variable data that the user desires to insert into each respective dummy data region, including graphical objects (col 5, lines 13-20; col 1, line 34). The examiner interprets the dummy data as being the same size as the unreceived data because the dummy data is a placeholder for the future actual data and in order to be a placeholder, the dummy data must encompass the entire scope of the unreceived data .

Palmer does not expressly teach the amendments but Lavery does teach the amended claims with the amendment. For example, Lavery discloses in an automated, hosted prepress application, providing an automated way for the operator to save settings for a prepress job (col 6, lines 50-53), embedding a graphical object into the file for preview

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operations, later, for print operations, the preview graphic is removed and a link to a replacement high resolution graphic is supplied (col 19, lines 54-58).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Palmer to include embedding a place holder graphical object for preview and later replacing that with a high resolution graphic as taught by Lavery, providing the benefit a standard format or automated way for the operator to save particular setting for a job to be run under a certain prepress application and providing certainty, consistency, and standardization (Lavery, col 6, lines 50-55).

Claim 22, Palmer teaches A method of editing data, comprising: *creating application data with defined page layout and file link information*. For example, Palmer discloses a method for specifying format parameters of a variable data area within a presentation document where conventional page layout base document (col 3, lines 45-50)(ie., filename of variable data file)(col 6, line 41).

Palmer teaches *storing received data*. Palmer discloses retrieve variable data objects from a database within base document (col 7, lines 45-52).

Palmer teaches *creating dummy page data for data not yet received*. Palmer discloses user enters dummy data at locations where user desires to display variable data (col5, lines 7-20).

Palmer teaches *replacing said dummy page data with expected data*. Palmer discloses the variable data that the user desires will be inserted data, into respective dummy data region (col5, lines 13-20)(ie., data to be printed)(col5, line 60)(ie., replacing dummy data)(col 6, line 11).

Palmer does not expressly teach the amendments but Lavery does teach the amended claims with the amendment. Palmer discloses, in an automated, hosted prepress application, providing an automated way for the operator to save settings for a prepress job (col 6, lines 50-53), embedding a graphical object into the file for preview operations, later, for print operations, the preview graphic is removed and a link to a replacement high resolution graphic is supplied (col 19, lines 54-58).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Palmer to include embedding a place holder graphical object for preview and later replacing that with a high resolution graphic as taught by Lavery, providing the benefit a standard format or automated way for the operator to save particular setting for a job to be run under a certain prepress application and providing certainty, consistency, and standardization (Lavery, col 6, lines 50-55).

Claim 23, Palmer teaches *The method of claim 22, wherein said dummy page data comprises storage location information for said expected data*. For example, Palmer discloses dummy data regions with variable data that the user desires to insert into each respective dummy data region (col 5, lines 13-18).

Claim 24, Palmer teaches *The method of claim 22, wherein said expected data comprises said data not yet received*. Palmer teaches variable data that contains dummy data where data will be inserted to replace the dummy data variables (col 5, lines 13-25).

Claim 25, Palmer teaches *The method of claim 22, further comprising: monitoring newly received data for said expected data corresponding to data not yet received*. Palmer

discloses, in response to a determination by the user that no more variable data areas remain to be defined (col 6, lines 66-67).

Claim 26, Palmer teaches *The method of claim 22, wherein said dummy page data is designated as unreceived data comprising title and delivery information*. Palmer discloses where customer name, business name are the title of a person or organization and street address, city, state is the deliver information (col 5, lines 13-15).

Claim 27, Palmer teaches *The method of claim 22, wherein said dummy page data and said expected data are graphical images*. Palmer discloses graphical objects (col 5, line 18).

Claim 28, Palmer teaches *The method of claim 1, further comprising inserting a link to a database file for each received parts data of the page at the time of the page editing operation for creating print data*. Palmer discloses PDL comment statements so that variable data objects may be retrieved from a designated database during post processing (col 7, lines 40-55).

Claim 30, Palmer teaches *The system of claim 11, wherein each received parts data of the page at the time of the page editing operation comprises a link to a database file, for creating print data*. Palmer PDL comment statements so that variable data objects may be retrieved from a designated database during post processing (col 7, lines 40-55).

Claim 32, Palmer teaches *The system of claim 21, wherein each received parts data of the page at the time of the page editing operation comprises a link to a database file, for creating print data*. Palmer discloses a PDL comment statements so that variable data

objects may be retrieved from a designated database during post processing (col 7, lines 40-55).

Claim 34, Palmer teaches *The method of claim 22, further comprising inserting a link to a database file for each received data at the time of a page editing operation for creating print data*. For example, Palmer discloses PDL comment statements so that variable data objects may be retrieved from a designated database during post processing (col 7, lines 40-55).

Claim 5, Palmer teaches *The method of Claim 1, further comprising the steps of:*

(a) performing a layout operation using dummy page data to create dummy data.

Palmer discloses a user performs formatting functions to the variable data area (col 5, lines 45-59); and

(b) creating plate face data for printing by replacing the dummy page data in the dummy plate face data when page data is available from the step of replacing dummy parts data. Palmer discloses processing a base document, within the printer, with variable data objects retrieved from a database during post processing (col 7, lines 40-50).

Palmer does not expressly teach '*plate face*', but one of ordinary skill would have thought it was obvious that layout template, as taught by Palmer, is equivalent to plate face at the time of the invention.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Palmer to include a layout template, providing the benefit of specifying format parameters of a variable data area within a presentation document (Title, Abstract section).

Claims 7 and 17, Palmer teaches *The method of Claim 6, wherein the second information includes data indicating a file and in which the dummy page data is stored*

Palmer discloses filename of variable data file user selects a record, with field identification that contains the variable data objects (col 6, lines 30-40).

Palmer does not teach *page number*, but one of ordinary skill would have thought it was obvious that field identification, as taught by Palmer, was equivalent at the time of the invention.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Palmer to include a field identification, providing the benefit of specifying format parameters of a variable data area within a presentation document (Title, Abstract section).

Claim 15, Palmer teaches *The system of Claim 11, wherein the program logic further includes a layout logic portion, which creates dummy plate face data using dummy page data*. Palmer discloses where a user performs formatting functions to the variable data area (col 5, lines 45-59).

Palmer teaches *a fourth logic portion which replaces the dummy page data in the dummy data when page data becomes available*. Palmer discloses processing a base document, within the printer, with variable data objects retrieved from a database during post processing (col 7, lines 40-50).

Palmer does not expressly teach '*plate face*', but one of ordinary skill would have thought it was obvious that layout template, as taught by Palmer, is equivalent to plate face at the time of the invention.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Palmer to include a layout template, providing the benefit of specifying format parameters of a variable data area within a presentation document (Title, Abstract section).

Claim 9, Palmer does not expressly teach *The method of Claim 1, further comprising the step of inputting an instruction to determine if there is any part of the page for which corresponding parts data has not been received*, but one of ordinary skill would have thought it was obvious based on Palmer's teachings (specifically, block 70 of Fig 3, upon user determination and in response, the system determines that additional variable data areas remain to be defined)(col 6, lines 61-65), since the system is in response to user's determination that user provided as input.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Palmer to include determining that additional variable data areas remain to be defined, providing the benefit of specifying format parameters of a variable data area within a presentation document (Title, Abstract section).

Claims 36, 37, 38 and 39, Palmer does not expressly teach wherein said unreceived parts data comprising data parts not yet provided to the computer, but Palmer does teach a user creating a new document where the user can begin entering data within the document or "create document" and the user selects a dummy data region where the user desires to define as a variable data area (col 5, lines 1-25)(with the broadest reasonable interpretation of the claims, the examiner interprets that unreceived parts data as data the data that user enters but prior to user entering it).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Palmer to include a user creating a new document where user enters data that was not previously in the document as taught by Palmer, providing the benefit of specifying format parameters of a variable data area within a presentation document (Title, Abstract section).

Claims 40, 41, 42 and 43, Palmer does not expressly teach the amendments but Laverty does teach dummy parts data is automatically created creating the dummy parts data by generating an image for editing without user intervention. For example, Laverty discloses, in an automated, hosted prepress application, providing an automated way for the operator to save settings for a prepress job (col 6, lines 50-53), embedding a graphical object into the file for preview operations, later, for print operations, the preview graphic is removed and a link to a replacement high resolution graphic is supplied(col 19, lines 54-58).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Palmer to include embedding a place holder graphical object for preview and later replacing that with a high resolution graphic as taught by Laverty, providing the benefit a standard format or automated way for the operator to save particular setting for a job to be run under a certain prepress application and providing certainty, consistency, and standardization (Laverty, col 6, lines 50-55).

Regarding new claims 44, 48, 50 and 52, Palmer teaches prior to receiving the unreceived parts data, the page editing operation is performed by using the embedded image for editing as an alternative part for the unreceived part. For example, Palmer

disclose a user entering dummy data within the base document where the user can format and size the dummy data for the unreceived data (col 5, lines 10-19) including formatting such as scaling to fit a graphical variable data object to the variable data area. The Examiner interprets Palmer's teachings as equivalent to the claimed limitation because the user is formatting (equivalent to editing) the dummy data prior to the receiving of the actual data to be filled in and sizing the graphical object area prior to the actual graphical data object. Also, the examiner interprets the dummy data as providing an alternative to unreceived data because if no actual data is ever received, then the dummy data remains as the default data for that data object, which is an alternative to the unreceived data.

Regarding new claims 45, 49, 51 and 53, Palmer teaches embeddd image for editing is of a lower resolution than the corresponding unreceived part. For example, Palmer discloses displaying a dialog box in oreder to permit the user to perform formatting functions such as scaling options to fit a graphical variable data object (col 5, lines 40-59), including manipulating the resolution for purposes such as printing (col 1, lines 16-26).

Regarding new claim 46, Palmer teaches correspondence between the dummy page data and the unreceived parts data is attached to the dummy page data as a comment. For example, Palmer discloses comment statements that are encoded with the variable data area (col 5, lines 63-67; col 2, lines 30-34).

Regarding new claim 47, Palmer teaches second information indicating link information is attached to the dummy page data as a comment, and the dummy part

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data does not contain any images to be output. For example, Palmer discloses comment statements that are encoded with the variable data (col 5, lines 63-67; col 2, lines 30-34) that contains presentation text (col 1, line 40).

3-2) Claims 29, 31, 33 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Palmer (as cited above), in view of Laverty (as cited above), further in view of Warmus et al (US 6332149, filed Feb 1997).

Claim 29, Palmer in view of Laverty does not teach, but Warmus teaches *The method of claim 1, wherein the determining step further comprises checking contents of a database coupled to the computer and determining unreceived parts data by absence of data in the database.* For example, Warmus discloses determines whether all records in the database have been considered for inclusion in additional variable pages (col 17, lines 41-50).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Palmer in view of Laverty to include determining whether all records in the database have been considered for inclusion in additional variable pages, as taught by Warmus, providing the benefit of developing template pages wherein template data includes master data representing fixed information to be printed and area data representing information to be printed with selected variable information as they are processed (Warmus, Abstract section).

Claim 31, Palmer in view of Laverty does not teach, but Warmus teaches The system of claim 11, wherein the first logic portion further comprises checking contents of a database coupled to the data processing arrangement and determining unreceived

parts data by absence of data in the database. For example, Warmus discloses determining whether all records in the database have been considered for inclusion in additional variable pages)(col 17, lines 41-50).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Palmer in view of Lavery to include determining whether all records in the database have been considered for inclusion in additional variable pages, as taught by Warmus, providing the benefit of developing template pages wherein template data includes master data representing fixed information to be printed and area data representing information to be printed with selected variable information as they are processed (Warmus, Abstract section).

Claim 33, Palmer in view of Lavery does not teach, but Warmus teaches The system of claim 21, wherein the logic portion further comprises checking contents of a database coupled to the data processing arrangement and determining unreceived parts data by absence of data in the database. For example, Warmus discloses determining whether all records in the database have been considered for inclusion in additional variable pages)(col 17, lines 41-50).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Palmer in view of Lavery to include determining whether all records in the database have been considered for inclusion in additional variable pages, as taught by Warmus, providing the benefit of developing template pages wherein template data includes master data representing fixed information to be printed and area data

representing information to be printed with selected variable information as they are processed (Warmus, Abstract section).

Claim 35, Palmer in view of Laverty does not teach, but Warmus teaches the method of claim 22, further comprising: checking contents of a database; and determining data not yet received by absence of data in the database. For example, Warmus discloses determining whether all records in the database have been considered for inclusion in additional variable pages)(col 17, lines 41-50).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Palmer in view of Laverty to include determining whether all records in the database have been considered for inclusion in additional variable pages, as taught by Warmus, providing the benefit of developing template pages wherein template data includes master data representing fixed information to be printed and area data representing information to be printed with selected variable information as they are processed (Warmus, Abstract section).

Response to Arguments

Applicant's arguments filed 5/9/2006 have been fully considered but they are not persuasive.

Applicant argues that Palmer does not teach or suggest the amendment "the dummy parts data comprises an embedded image for editing which is of a same image size as a corresponding unreceived part," as recited in claim 1 (and equivalent argument for independent claims 11, 21 and 22)(see Remarks, pages 15-18). The examiner disagrees. Palmer discloses a base document that includes dummy data regions and

within each region, the user has entered dummy data identifying the variable data that the user desires to insert into each respective dummy data region, including graphical objects (col 5, lines 13-20; col 1, line 34). The examiner interprets the dummy data as being the same size as the unreceived data because the dummy data is a placeholder for the future actual data and in order to be a placeholder, the dummy data must encompass the entire scope of the unreceived data. Although Palmer does talk about a user performing formatting functions such as choosing scaling options to fit a graphical variable data object to the variable data area, Palmer is reasonably interpreted by the examiner to allow the user to performing these scaling and sizing options on the dummy data prior to receiving the actual data and fixing the size of the data object at some point which would be the same size as the unreceived data objects. The examiner interprets Palmer's variable data as data whose contents can vary, but a dummy image of a certain size will be a placeholder for unreceived data of that same size.

Additionally, the examiner interprets Palmer's teaching of base document including graphical objects as equivalent to the embedded image (col 5, lines 18-20; Fig 6B, item 132). Palmer teaches a base document that includes graphical objects as well as text, using dummy data as placeholder for unreceived data which is interpreted by the examiner to be equivalent to the claimed invention of the application.

Regarding claims 29, 31, 33 and 35, the applicant argues that Palmer in view of Lavery and Warmus does not teach the claimed invention by virtue of their dependency on claims 1, 11, 21 and 22, respectively. The examiner disagrees and asserts the same

response as the response to the arguments immediately above for claims 1, 11, 21 and 22 above.

Regarding new claim 44, the applicant argues that the cited references do not teach prior to receiving the unreceived parts data, the page editing operation is performed by using the embedded image for editing as an alternative part for the unreceived part (Remarks, page 20, bottom). The examiner disagrees. Palmer disclose a user entering dummy data within the base document where the user can format and size the dummy data for the unreceived data (col 5, lines 10-19) including formatting such as scaling to fit a graphical variable data object to the variable data area. The Examiner interprets Palmer's teachings as equivalent to the claimed limitation because the user is formatting (equivalent to editing) the dummy data prior to the receiving of the actual data to be filled in and sizing the graphical object area prior to the actual graphical data object. Also, the examiner interprets the dummy data as providing an alternative to unreceived data because if no actual data is ever received, then the dummy data remains as the default data for that data object, which is an alternative to the unreceived data.

Regarding new claim 45, the applicant argues that the cited references do not teach embeddd image for editing is of a lower resolution than the corresponding unreceived part. The examiner disagrees. Palmer discloses displaying a dialog box in order to permit the user to perform formatting functions such as scaling options to fit a graphical variable data object (col 5, lines 40-59), including manipulating the resolution for purposes such as printing (col 1, lines 16-26).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gautam Sain whose telephone number is 571-272-4096. The examiner can normally be reached on M-F 9-5 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on 571-272-4136. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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